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District of Nevada

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SUSAN RUDITSKY,

Plaintiff,

vs.

ANDREW SAUL,
Commissioner of Social Security,

Defendant.

Case No.: 2:20-cv-01285-DJA

**DEFENDANT'S NOTICE REGARDING
PRODUCTION OF CERTIFIED
ADMINISTRATIVE RECORD**

1 Defendant, Commissioner of Social Security (Commissioner), by his undersigned attorneys,
2 provides notice to the Court and Plaintiff that an electronic copy of the certified administrative record (e-
3 CAR) has been prepared and can now be filed in this matter. However, the Commissioner advises the
4 Court that, at this time, the Office of Appellate Operations (OAO) is not working at full capacity at its
5 official worksite in Falls Church, Virginia. A limited number of staff is now permitted to physically enter
6 the office to work on a very limited basis. While the e-CAR has been prepared, OAO is still unable to
7 provide CD and hard copies of the CAR—which has typically been required in this Court—with any
8 regularity, given the limited staff and overall volume of cases.

9 While the Commissioner typically files the e-CAR under seal, as required by the Court, this filing
10 is only accessible to the Court and not by the parties through CM/ECF. However, it is Defendant's
11 counsel's understanding that a new event has been added to CM/ECF which will allow the Commissioner
12 to file the e-CAR under seal and all case participants will have access to the e-CAR. Accordingly, the
13 Commissioner requests that he be permitted to file the e-CAR under seal using this new event ("Certified
14 Administrative Record under seal") and be relieved of the requirement of preparing CD/hard copies of the
15 CAR. This will allow Plaintiff to access the e-CAR through CM/ECF and for the case to move forward
16 without delay.

17 If the Court does not wish to relieve Defendant of the requirement to prepare CD/hard copies of the
18 CAR, the Commissioner sees no other option than to wait until OAO regains the capacity to provide these
19 additional copies of the CAR, which would require seeking an extension for the Commissioner's deadline
20 to respond to the Complaint, which is currently January 26, 2021. Defendant, however, is ready and able
21 to move forward at this time by filing the e-CAR under seal on CM/ECF.

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1 Dated: January 12, 2021

Respectfully submitted,

2 NICHOLAS A. TRUTANICH
3 United States Attorney

4 /s/ Allison J. Cheung
5 ALLISON J. CHEUNG
6 Special Assistant United States Attorney

7 IT IS SO ORDERED:

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10 UNITED STATES MAGISTRATE JUDGE

11 DATED: January 13, 2021
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CERTIFICATE OF SERVICE

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 160 Spear Street, Suite 800, San Francisco, California 94105. I am not a party to the above-entitled action. On the date set forth below, I caused service of **DEFENDANT'S NOTICE REGARDING PRODUCTION OF CERTIFIED ADMINISTRATIVE RECORD** on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which provides electronic notice of the filing:

Marc Kalagian
marc.kalagian@rksslaw.com,
Attorney for Plaintiff

Gerald Welt
gmwesq@weltlaw.com
Attorney for Plaintiff

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 12, 2021

/s/ Allison J. Cheung
ALLISON J. CHEUNG
Special Assistant United States Attorney